

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION**

**Plaintiff,**

**Case No. 3:08-cv-333**

**Judge Thomas M. Rose**

**-v-**

**FAMILY SERVICE ASSOCIATION, INC.**

**Defendant.**

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**ENTRY AND ORDER GRANTING DERON EMMONS' MOTION TO  
INTERVENE (Doc. #2)**

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Now before the Court is a Motion To Intervene in this matter brought by Deron Emmons ("Emmons"). Emmons brings this motion pursuant to Fed. R. Civ. P. 24(a)(1) and (2). Plaintiff Equal Employment Opportunity Commission ("EEOC") does not object to Emmons' intervention. Defendant Family Service Association, Inc. has not responded and the time for filing a response has run.

Rule 24(a)(1) provides for mandatory intervention when a federal statute provides for an unconditional right to intervene. Rule 24(a)(2) provides for mandatory intervention when the intervening party claims an interest relating to the transaction that is the subject of the lawsuit and is so situated that disposing of the lawsuit may as a practical matter impede or impair the intervening party's ability to protect its interests unless existing parties adequately represent that interest.

Emmons asserts that the disposition of this action will, as a practical matter, impair or impede his ability to protect his interests unless the Court grants the intervention. However, he

presents no argument or evidence to support this assertion. Therefore, the Court will look to Rule 24(a)(1).

This case involves a claim brought pursuant to the Americans With Disabilities Act (the "ADA"), 42 U.S.C. § 12101 et seq. Congress has directed the EEOC to exercise the enforcement powers, remedies and procedures set forth in Title VII of the Civil Rights Act of 1964 when it is enforcing the ADA, 42 U.S.C. § 12101 et seq. *Equal Employment Opportunity Commission v. Waffle House, Inc.*, 534 U.S. 279, 285 (2002).

Title VII provides for an unconditional right to intervene. Specifically, 42 U.S.C. § 2000e-5(f)(1) provides that an aggrieved person "shall have the right to intervene in a civil action brought by the Commission...."

Emmons affirms that he is an aggrieved party in this lawsuit filed on his behalf by the EEOC. (Affidavit of Deron Emmons ¶¶ 3, 4 Oct. 8, 2008.) Therefore, Emmons has a right to intervene as provided by 42 U.S.C. § 2000e-5(f)(1) and Fed. R. Civ. P. 24(a)(1).

Emmons' Motion To Intervene (doc. #2) is GRANTED. Emmons will be added as a party Plaintiff.

**DONE and ORDERED** in Dayton, Ohio, this Twenty-Fourth day of November, 2008.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record